



DELAWARE HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH

STATE OF DELAWARE
REGULATIONS
GOVERNING PUBLIC POOLS

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DELAWARE HEALTH AND SOCIAL SERVICES
UNDER AUTHORITY OF 16 Delaware Code Section 122(1) and (3)(d) and (j).

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**STATE OF DELAWARE
REGULATIONS GOVERNING PUBLIC POOLS**

SECTION 26.1 DEFINITIONS

- 26.101 **"Approved"** means acceptable to the Division, unless stated otherwise, based on its determination as to conformance with appropriate standards and good public health practices.
- 26.102 **"Approved Pool Operator"** means a person who is at least eighteen (18) years of age and has successfully completed a pool operator-training course that is approved by the Division.
- 26.103 **"Attendant"** means a person who meets the training requirements of the Division specified in Section 26.707.
- 26.104 **"Attendant on Duty"** means an attendant who is either at poolside or in the pool (special situations), visually guarding the life of the bathers. An attendant on duty shall not be assigned other duties that will distract his/her attention from proper observation of the bathers, or prevent the rendering of immediate assistance to someone in distress. In facilities with a spa pool(s) (SpP) only it means an attendant who is on the premises and can be easily located and summoned to render assistance to someone in distress. If the attendant is not in direct view of the spa pool when it is open, he/she shall be located such that the poolside alarm required by Section 26.719 can be easily heard.
- 26.105 **"Beneficial Owner"** means an ownership interest in the entity owning the pool through direct ownership of the real property where the pool is located, direct ownership of stock in a stock corporation owning the real property where the stock represents an equity interest in the corporation, or direct ownership through being a member in a limited liability company (L.L.C.) or a partner in a partnership owning the real property upon which the pool is placed.
- 26.106 **"Competitive Diving"** means either the training of divers or an actual diving competition among trained divers, which is sanctioned by the Federation Internationale de Natation Amateur (FINA), the National Collegiate Athletic Association (NCAA), the National Federation of State High School Associations (NFSHA) or United States Diving Inc. (USD). The institution that is sponsoring the diving training or diving competition shall be responsible for the hiring of a qualified person(s) who is competent and knowledgeable in the areas of diving mechanics and safety. This person(s) shall be present at every practice session and competition in order to ensure proper training, supervision and safety.
- 26.107 **"Cyanuric Acid"** means a chemical added to pool water intended to counter-act degradation of the chlorine residual by ultraviolet light.
- 26.108 **"Director"** means the Director of the Division of Public Health or an authorized agent.
- 26.109 **"Diving"** means a head first entry into a body of water.
- 26.110 **"Division"** means the Division of Public Health of the Department of Health and Social Services, or anyone authorized by the Division as its designated representative, in conformance with 29 Delaware Code, Section 7904.
- 26.111 **"Fence"** means a continuous vertical barrier, either solid, or with openings, holes or gaps not exceeding four (4) inches in diameter or width, completely enclosing the pool area which will prevent the entry of small children and minimize the entry of unauthorized or unwary persons.
- 26.112 **"Fixture Set"** means one (1) lavatory, two (2) water closets* and one (1) shower for each sex. *In the male facilities, up to fifty (50) percent may be substituted with urinals, and if more than one (1) fixture set is required based on water surface area, this is reduced to one (1) water closet (male and female) for the subsequent fixture sets.

- 26.113 **"Flume"** means an inclined channel or tube which may receive a supply of flowing water and is designed to provide a safe transit path for conveying sliders to a run-out slide, a splash pool or a designated area of a swimming pool (SwP).
- 26.114 **"Halogen"** means one of the chemical elements chlorine, bromine, or iodine.
- 26.115 **"Inactive Pool"** means a pool, which has been closed, for twelve (12) or more continuous months.
- 26.116 **"Lifeguard"** means a person who meets the training requirements of the Division specified in Section 26.706.
- 26.117 **"Lifeguard on Duty"** means a lifeguard who is either at poolside or in the pool (special situations), visually guarding the life of the bathers. A lifeguard on duty shall not be assigned other duties that will distract his/her attention from proper observation of the bathers, or prevent the rendering of immediate assistance to someone in distress.
- 26.118 **"NTU"** means Nephelometric Turbidity Unit, which is a means of measuring the water turbidity.
- 26.119 **"ORP"** means oxidation-reduction potential, which is an electrical measurement in millivolts (mV) of the strength of the disinfectant (oxidizer). A higher ORP means a higher disinfecting potential.
- 26.120 **"Person"** means any corporation, company, association, firm, partnership, society, joint stock company or individual.
- 26.121 **"Person In Charge"** means the/an owner of the pool. This individual shall represent the pool at any hearing scheduled pursuant to Section 26.12. Every pool shall, upon request, provide the Division with the name of the person(s) in charge and how they can be contacted. An operator, hired by the/an owner, cannot be the person in charge.
- 26.122 **"Private Pool"** means any indoor or outdoor artificial basin containing a body of water which is used for swimming, wading, diving, recreative bathing, or other aquatic purposes and is not open to the general public, or a limited section of the public, but is intended strictly for the use of the beneficial owner(s) and his/her/their family and/or their guests in either of the following situations:
- a. Individual beneficial owner or
 - b. Multiple beneficial owners where all of the following can be demonstrated to the Division:
 1. The pool is owned by a legal entity, which is in turn owned by the beneficial owners.
 2. Pool ownership is part of the ownership of real property by the beneficial owners.
 3. The beneficial owners are able to assert ultimate dominion and control over access to and maintenance of the pool.
 4. No pool memberships are available to non-beneficial owners.
- If it can be demonstrated that a pool meets all of the above criteria and if the owners want the pool to be approved as private, they shall contact the Division for the required procedure. Any multiple beneficial ownership pool that is approved private shall remain so until the owners notify the Division that the pool no longer meets all of the above criteria. These Regulations shall not apply to private pools.
- 26.123 **"Public Pool"** means any indoor or outdoor artificial basin constructed of concrete, metal, fiberglass or any other nontoxic, impervious, and structurally rigid approved materials, which contains a body of continuously recirculated and filtered water with automatic disinfection which is used for swimming, wading, diving, recreative bathing, or other aquatic purposes and is open to either the general public, or a limited section of the public, with or without a fee. These Regulations shall not apply to pools that are used by one (1) patron at a time and whose water is completely changed after each patron. A public pool may hereafter be referred to as a pool, a swimming pool, a wading pool, a spa pool, a water slide, or a

special purpose pool in these Regulations. Based on the design, size, usage, or other factors, public pools shall be categorized as follows:

- "SwP" means a swimming pool, which is open to either the general public, or a limited section of the general public based on residency, membership, or some other specific criteria.
- "WP" means a wading pool, which is open to either the general public, or a limited section of the general public based on residency, membership, or some other specific criteria.
- "SpP" means a spa pool, which is open to either the general public, or a limited section of the general public based on residency, membership, or some other specific criteria.
- "WSF" means a water slide flume, which is open to either the general public, or a limited section of the general public based on residency, membership, or some other specific criteria.
- "SpPP" means a special purpose pool, which is open to either the general public, or a limited section of the general public based on residency, membership, or some other specific criteria.
- 26.124 **"Run-Out Slide"** means a flume where the bathers stop in the flume and then exit to the pool deck/walkway.
- 26.125 **"Sanitary Survey"** means a comprehensive on-site review of the facilities, operation and management of a pool for the purpose of determining whether a safe environment and bathing water of acceptable quality are being provided.
- 26.126 **"Secretary, Delaware Health and Social Services"** means the Administrator of the Department of Health and Social Services (DHSS) of the State of Delaware, who shall hereafter in this document be referred to as the Secretary, DHSS in conformance with 29 Delaware Code Section 7904.
- 26.127 **"Slip Resistant"** means a textured surface that is neither conducive to slipping when wet nor abrasive to bare feet and has a minimum static coefficient of friction of 0.6 (measured by an approved method).
- 26.128 **"Spa Pool"** means a pool containing water greater than ninety five (95) degrees Fahrenheit (°F) which is not emptied after each use, has a maximum depth of four (4) feet, is large enough for the immersion of at least one person, and may have a high velocity air and/or water jet system.
- 26.129 **"Special Purpose Pool"** means a pool which is used for a specific supervised purpose, and which does not fall into any of the first four (4) categories listed in Section 26.123 (SwP, WP, SpP or WSF).
- 26.130 **"Splash Pool"** means the body of water located at the end of a flume from which bathers exit to the deck.
- 26.131 **"Superchlorinate"** means the addition to the pool water of an amount of chlorine sufficient to produce a free chlorine residual which is at least ten (10) times the amount of the combined chlorine residual plus the required minimum free chlorine residual, in order to oxidize any ammonia or other nitrogenous materials which may be present in the pool water.
- 26.132 **"Swimming Pool Slide"** means a commercially manufactured water entry device consisting of an inclined plane (either straight or curved) with a small raised edge (a few inches like a playground slide) which may receive a supply of flowing water, is securely attached to the pool deck and is designed to provide a transit path for conveying sliders to a pool (water slide flumes are not included in this definition).
- 26.133 **"Turbidity"** means a measure of the clarity or cloudiness of water.
- 26.134 **"Turnover"** means the circulation, through the recirculation system, of a quantity of water equal to the pool volume.

- 26.135 **"Wading Pool"** means a familiarization pool for small children that may range in water depth from zero (0) to a maximum of two (2) feet.
- 26.136 **"Water Slide Flume"** means a water entry device consisting of one or more flumes that discharge into a run-out slide, a splash pool or a designated area of a swimming pool (SwP) (swimming pool slides are not included in this definition).
- 26.137 **"Wet Deck/Walkway Area"** means any deck/walkway area that may become wet from splash or from bather traffic, the pump/filter room floor and the floors of all sanitary and bathhouse facilities.

SECTION 26.2 GENERAL PROVISIONS

- 26.201 **Scope and Purpose** - The provisions of these Regulations shall apply to all public pools in the State of Delaware. The purpose of these Regulations is to provide minimum standards for design, construction, maintenance and operation of public pools in the State of Delaware, and to assure a clean, healthful, and safe environment for all bathers using these pools. These Regulations in no way preclude a facility from establishing additional rules and operating procedures as long as they do not contradict those established herein.
- 26.202 **Plans and Specifications** - No person shall construct, install, alter or replace a pool, auxiliary pool structure, or pool equipment, and no person shall convert a private pool to a public pool until three (3) copies of plans and specifications have been submitted to the Division, and a Certificate of Approval has been issued. Whenever it is discovered that any of the above have occurred or are occurring without such approval, the Director shall order the owner, operator or contractor to immediately close the pool if it is open or stop the work or conversion, and to submit plans and specifications to the Division. Any part of the unapproved work or pool that is not in compliance with these Regulations shall be removed, replaced or reconstructed in order to achieve compliance. Plans and specifications shall be legible and on paper no larger than 30" x 42" and shall include, but are not limited to the following information:
- a. The facility name and the name and telephone number of a contact person at or near the site.
 - b. The name, mailing address and telephone number of the owner.
 - c. The name, mailing address and telephone number of the builder/contractor/engineer.
 - d. A map of the area (city, town, rural area, etc.) showing the project location and a scaled drawing of the site showing the pool location.
 - e. A scaled drawing showing an overhead view of the pool which includes the location of but is not limited to: all recirculation system fittings and piping, depth markings, steps/ladders, diving board, lifeguard stand, fillspout, safety line/bottom marking, lights (underwater and overhead), deck/walkway, fence, pump/filter room*, bathhouse facilities, food/beverage service facilities and any other pools (e.g. wading pool, spa pool). This drawing shall also specify the materials of construction for the pool and deck, and the color of the pool walls and floor. If wood is planned for the wet deck/walkway area the manufacturer of the wood shall be specified, and if the wood has been treated by the manufacturer or will be treated by the installer, any preservatives, coatings, paints, etc. shall be specified.

*Either on this drawing on a separate sheet, a blown up scaled drawing of the pump/filter room showing all piping, equipment, fittings, and the flow pattern shall be provided.
 - f. A scaled drawing showing a profile view(s) of the pool, the pool depths and the relative elevation of the pump and filter. If a diving board is planned, an end view showing the required dimensions shall also be provided.

- g. The following pool information: volume, water surface area, perimeter filter type, filter surface area, design flow rate, recirculation pump capacity, total dynamic head (TDH) in feet (if not provided a minimum of sixty (60) TDH will be used), pool turnover time, and the size and type of all piping (i.e., ductile iron, copper, plastic).
- h. Specifications for and drawings or pictures of all recirculation system components, including but not limited to: skimmers* or gutters; drains, inlets; recirculation pump with pump curve; rate of flow indicator with manufacturer's installation instructions; the type, brand and surface area in square feet of the filter(s)*; multiport valve*; the type, brand and capacity of automatic disinfection equipment*; heater (including proof of AGA or UL approval); portable vacuum equipment; and the chemical name of the disinfectant to be used. All specifications shall include the manufacturer's name and model #.

*Specifications shall include proof of NSF International listing, or approved equivalent. In the remainder of these Regulations, wherever there is a referral to NSF, it means NSF International or approved equivalent.

- i. The source of potable water (i.e. their own on-site well or the name of the water supplier if the water comes from off-site), and the location and methods of disposal for sanitary waste, filter backwash water and pool water pumped to waste.
- j. For new pools, the following signed statement from the owner: "I hereby acknowledge that all items either listed or shown in these plans and specifications as not in contract (NIC), by others, or equivalent, are my responsibility. I also realize that this entire project must be completed in accordance with the approved plans and specifications, and all conditions listed in the Certificate of Approval, prior to the issuance of an operating permit by the Division." This statement with signature may appear directly on the plan drawings.
- k. For changes to existing pools, the following signed statement from the owner: "I hereby acknowledge that all items either listed or shown in these plans and specifications as not in contract (NIC), by others, or equivalent, are my responsibility. I also realize that this entire project must be completed in accordance with the approved plans and specifications, and all conditions listed in the Certificate of Approval, prior to this pool receiving permission from the Division to reopen." This statement with signature may appear directly on the plan drawings.

Upon receipt of plans and specifications, the Division shall determine if the project is approved or disapproved and notify the responsible person within thirty (30) days. If disapproved, the reasons shall be specified. If approved, a Certificate of Approval shall be issued which shall be valid for one (1) year. All construction shall be in accordance with the approved plans and specifications, and all conditions listed in the Certificate of Approval. Prior to opening, the owner or operator of a new pool shall contact the Division for a pre-opening sanitary survey in order to receive an operating permit. The Division reserves the right to reject plans and specifications from a pool builder/pool service company based upon evidence of malfeasance or non-feasance related to a previous Certificate of Approval.

26.203 **Site Inspection** - Prior to the issuance of a Certificate of Approval for the construction of a new outdoor pool, a site inspection shall be made by a representative of the Division in order to confirm that the pool location meets the requirements of Section 26.301. After a specific site is approved, any change of location shall require another site inspection.

26.204 **Operating Permit** - No person shall operate a pool without a valid permit from the Division and operating permits shall expire annually. The operating permit is not transferable if either the pool name or ownership changes. The operating permit shall be available for viewing by any patron or representative of the Division upon request.

- 26.205 **Pool Operator** - The operation of every pool shall be monitored by an approved pool operator. This person may be part of the pool staff or from a private company and shall monitor the pool as often as necessary to maintain compliance with these Regulations. The approved pool operator's certificate issued by the Division, or a copy, shall be available for viewing by any patron or representative of the Division upon request. The Division reserves the right to revoke the approval of any operator based upon evidence of malfeasance or non-feasance.
- 26.206 **Right of Entry and Sanitary Surveys** - Representatives of the Division shall have the right of immediate entry any time a pool is open, and in special situations, at any reasonable time, in order to perform a sanitary survey to determine compliance with these Regulations. A sanitary survey shall be conducted at least once per year at every active pool. These surveys may include any room or area associated with the pool operation. In addition, the representatives shall be permitted to examine any pertinent records.
- 26.207 **Inactive Pools** - Any pool which closes for twelve (12) or more continuous months shall: be classified as inactive; contact the Division for a sanitary survey prior to re-opening; and make whatever changes are deemed necessary to achieve compliance with the current Regulations. If the inactive pool does not have its own recirculation/filtration/disinfection system, this shall be provided prior to receiving approval to reopen. If there is no intention of reopening an inactive pool, it shall be properly abandoned (removed or filled with dirt to ground level). Outdoor inactive pools shall be equipped with a tightly fitting cover during mosquito breeding season (normally May through September).
- 26.208 **Variance** - The Division may allow for some deviation from these Regulations on a temporary trial basis, in order to allow the pool owner or operator to demonstrate that some alternate procedure or innovation in design, construction or operation should be approved. Such permission shall only be granted if the Division is convinced that the health, safety and well being of the pool patrons will not be jeopardized. If the procedure or innovation in design, construction or operation is approved, the Regulations shall be amended accordingly, if necessary.

SECTION 26.3 LOCATION, DESIGN AND CONSTRUCTION

- 26.301 **Location** - Pools shall not be located in areas which are subject to contamination from dust, soot, flyash, smoke, improper drainage, a high water table, or other undesirable substances. For outdoor pools, any overhead wiring not inside an electrical conduit shall not pass over any part of the deck or an area within twenty (20) feet of the nearest edge of the pool. If the edge of a pool, extended upward vertically, is located within fifteen (15) feet of a building, roof or balcony, a protective barrier may be required (discretion of the Division) to prevent diving from the building, roof or balcony.
- 26.302 **Design** - No limits are specified for the shape of pools, however, consideration shall be given to shape from the standpoint of safety and proper water circulation. Pools shall be designed such that: there is even and complete water circulation throughout; safe, sanitary conditions can be maintained at all times; and all bathers can be effectively monitored. There shall be no protrusions, extensions, means of entanglement, or other obstructions in the pool that can cause entrapment or injury. Underwater or overhead projections or obstructions except for handholds, steps, ladders, facilities for persons with disabilities or recirculation system fittings shall be prohibited, unless such construction can be justified by engineering design. Underwater seat benches may be permitted in areas where the water depth is five (5) feet or less provided that: the maximum water depth over the seat bench is twenty-four (24) inches; the seat bench is completely recessed; the outer edge of the seat bench shall be outlined in contrasting color by a solid marking line at least one (1) inch wide; and the seat bench surface is slip resistant.
- 26.303 **Construction** - Pool walls and bottoms shall be constructed of concrete, fiberglass, metal or other nontoxic, impervious and structurally rigid materials approved by the Division, which will provide a watertight basin, smooth, easily cleanable surfaces and a finish without cracks. Sand, earth or wood construction shall be prohibited. The walls and bottom shall be white or light in color for the purpose of insuring contrast to identify objects. Corners formed by the intersections of walls or walls and floors shall

be curved (radiused). Surfaces within the pool intended to provide footing for patrons shall be designed to be slip resistant. Offset or safety ledges shall be prohibited.

26.304 **Walls** - All SwP and WSF splash pool walls shall be vertical for a minimum depth of two (2) feet six (6) inches in areas less than five (5) feet deep. Exceptions may be made for irregularly shaped pools (e.g. zero depth entry, T, L or Z shapes) in the recessed areas out of the main swimming area.

26.305 **Floor/Slope** - All pool floors shall be sloped toward the outlet/drain and all slopes shall be constant. The slope shall not exceed one (1) foot in twelve (12) feet (1':12') where the water depth is five (5) feet or less, shall not exceed one (1) foot in (3) feet (1':3') where the depth is greater than five (5) feet. Any pool having a transition from the slope in the shallow end to the deep end shall do so through a slope break starting at a depth not less than three and one half feet (3-1/2) feet and not greater than five (5) feet. At least one (1) foot and not more than two (2) feet on the shallow side of the slope break directly under the safety line, the floor shall be marked with a line of contrasting color that is either: solid and at least two (2) inches wide or intermittent with sections that are at least four (4) inches by four (4) inches and not more than one (1) foot apart on centers.

26.306 **Shallow End Minimum/Maximum Depth** - With the exception of diving pools, all SwP pools shall have a minimum depth in the shallow area of three (3) feet and a maximum depth of four (4) feet. Exceptions may be made for irregularly shaped SwP pools (e.g. zero depth entry, T, L or Z shapes) with recessed areas out of the main swimming area.

26.307 **Ladders and Steps** - With the exception of WP, SpP and WSF splash pools, all pools shall have at least two entry/exit points (ladders or steps), one (1) for each end. Any pool with water deeper than five (5) feet shall have at least two (2) ladders in the deep end. In addition to the above, any pool with a perimeter greater than two hundred twenty-five (225) feet shall have one (1) additional ladder or set of steps for each additional seventy-five (75) feet of perimeter or fraction thereof.

Ladders shall be constructed of corrosion resistant materials and shall be securely anchored into the pool deck or built into the pool wall. All ladders shall have two (2) handrails and at least two (2) slip resistant treads which are at least one and one half (1-1/2) inches deep, with a uniform length of at least twelve (12) inches and a uniform spacing of at least seven (7) inches and not more than twelve inches. The clearance between any ladder and the pool wall shall be at least three (3) inches and not more than six (6) inches. Recessed ladders (built into the wall) shall have two (2) handrails and shall have a tread at least five (5) inches in depth, at least twelve (12) inches in width and the uppermost tread shall be within twelve inches of the pool coping top edge or the deck surface. All treads shall slope toward the pool.

Where steps are provided, they shall either be recessed or located in a corner. All steps shall have a minimum tread length of twenty-four (24) inches, a tread depth of at least ten (10) inches and a uniform height of not more than twelve (12) inches, with the exception of either the top or bottom tread which may vary +/- two (2) inches. The top surface edge of each step shall be outlined in contrasting color by a line (painted, tile, etc.) at least one (1) inch wide. Each set of steps shall have at least one (1) handrail per seven (7) feet of tread length. If the steps are less than four (4) feet wide the handrail shall be located at the side and if the steps are four (4) feet or wider, the handrail shall be located in the center. The tread surface shall be slip resistant.

26.308 **Decks and Walkways** - Every pool shall have a continuous unobstructed deck at rim level around the entire perimeter. The deck shall be no less than four (4) feet wide at any point, measured from the pool edge. For outdoor pools, the area of the deck shall be at least equal to the area of the pool water surface, and for indoor pools, the area of the deck shall be at least equal to two thirds (2/3) of the pool water surface. A minimum width of four (4) feet shall be provided behind lifeguard stands and the ladders/steps of all diving boards. Walkways shall be provided from the deck to all pool sanitary and bathhouse facilities. In computing the minimum deck area for adjacent pools, no area of the deck shall be considered as serving both pools.

In order to prevent standing water, decks and walkways shall have a uniform slope of not less than one quarter (1/4) inch per foot and not more than one half (1/2) inch per foot, away from the pool and toward deck drains or areas where the water will have a free unobstructed flow to points of disposal. The edge of the pool deck at its junction with the pool wall shall be constructed of bullnose coping, or some other acceptable material, which will provide an adequate hand hold around the entire pool perimeter and which is not more than twelve (12) inches above the normal water level.

Wet deck/walkway areas shall be constructed of concrete or other approved material that has an impervious slip resistant surface, can be easily cleaned and is installed such that there are no hazards to patrons or their bare feet (e.g. tripping, abrasions, splinters, etc.). If expansion joints are provided, the joint shall be filled with a non-rigid material such as mastic that shall not protrude above the deck. Exposed wooden expansion joints shall be prohibited. Carpeting shall be prohibited in wet deck/walkway areas.

- 26.309 ***Electrical and Lighting Requirements*** - All electrical wiring and equipment associated with the pool shall be in compliance with all appropriate state and local codes and the current edition of the National Electric Code. For indoor pools and all bathhouse facilities, all overhead wiring which is not behind the wall or ceiling shall be inside an electrical conduit.

Artificial lighting shall be provided at all pools that do not have adequate natural lighting or which are to be used for evening/night swimming. The artificial lighting shall meet all of the following conditions:

- a. Lighting shall be sufficient such that all areas of the pool, and either of the following are clearly visible without glare from the deck: the main drain(s) and all bottom markings; or a black disk six (6) inches in diameter superimposed upon a white field and placed on the bottom of the deepest point.
- b. Outdoor pools shall provide at least thirty (30) footcandles and indoor pools shall provide at least fifty (50) footcandles of illumination at the water surface from natural and/or artificial lighting.
- c. All overhead lights shall be covered with adequate shatter resistant shields and equipped with shatter resistant bulbs.

- 26.310 ***Hose Bibbs*** - A sufficient number of hose bibbs shall be provided and located such that all parts of the deck area, the pump/filter room and the bathhouse facilities are easily reachable with a fifty (50) foot hose, without the hose passing over or through the pool water. Hose bibbs shall be located at the edge of the deck such that they do not constitute a tripping hazard and shall be equipped with vacuum breakers or other approved backflow prevention devices.

- 26.311 ***Trees, Sand Areas and Planted Areas*** - Trees at the pool site prior to construction shall not be permitted inside the pool fence. Sand areas and other nongrass/unsodded areas designed for bather access shall not be permitted inside the pool fence or room. Provisions shall be made so that bathers returning to the pool deck from these areas are routed past a foot rinse shower. Flower beds, shrubs and other similar planted areas may be permitted inside the pool fence or room if all of the following conditions are satisfied:

- a. There shall be a separation distance of at least ten (10) feet between the edge of the pool and the edge of the planted area.
- b. The planted area shall be designed such that regular maintenance can be easily accomplished.
- c. All planted area drainage shall be conducted away from the pool in a manner that will not create muddy, hazardous, or objectionable conditions.
- d. The planted area shall be designed to discourage patron entry.

- 26.312 ***Sanitary/Bathroom Facilities*** - All pools shall have at least one (1) permanent water closet with lavatory for the lifeguard/attendant, which is accessible when the pool is open and is located contiguous to the pool deck or pool room. Furthermore, all pools, with the exception of those where all patrons' sanitary/bathroom facilities are within one thousand (1000) feet, shall provide the following permanent sanitary/bathroom facilities located contiguous to the pool deck or pool room:

Number of Fixture Sets For Each Sex	*Pool(s) Water Surface Area (Square Feet)
One (1)	Up to 2000
Two (2)	2001 to 4000
Three (3)	4001 to 6000
Four (4)	6001 to 8000

*For pools greater than eight thousand (8000) square feet, one additional fixture set for each sex shall be provided for each additional four thousand (4000) square feet, or fraction thereof.

All sanitary and bathroom facilities shall be indoors, enclosed to provide privacy, finished in light colors, well ventilated, in good working order and designed such that good sanitation can be maintained throughout at all times. Floors shall be constructed of concrete or other approved material, shall have a smooth slip resistant finish and shall be sloped to floor drains or points of drainage. Carpeting shall be prohibited in all wet deck/walkway areas. Floor and wall junctions shall be curved (radiused) for easy cleaning. Lighting shall provide at least thirty (30) footcandles of illumination at floor level. All lavatories and showers shall have hot and cold water and shall be equipped with tempering valves, which provide water at a temperature not exceeding 120°F. All bathrooms shall have soap (liquid recommended), single service towels or hot air dryers, toilet tissue, and waste baskets. All plumbing shall be in compliance with the "State of Delaware Regulations Governing a Detailed Plumbing Code" and new installations shall be inspected and approved by the appropriate authority prior to use. All bathroom facilities shall be at the same elevation as the pool deck or at an elevation that is accessible with a ramp having a slope that shall not exceed one (1) inch per foot and should not exceed one (1) inch per twenty (20) inches.

All outdoor pools, except those where bathers must go through the bathroom in order to reach the deck, shall have a foot rinse shower at each patron entry point. Any indoor pool with direct bather access to an outdoor sand beach or other unsodded area shall also have a foot rinse shower at the access point. The foot rinse shower shall be located such that bathers must walk past the deck discharge area. In order to prevent standing water, the deck discharge area shall slope toward a drain or an area where the water will have a free unobstructed flow to points of disposal. The foot rinse shower shall: be a shower head; be approximately twelve (12) to twenty-four (24) inches above the deck; have an automatic shut off valve when released; and point toward the deck at approximately a forty-five (45) degree angle. Foot baths (standing water in which patrons rinse their feet) shall be prohibited.

- 26.313 ***Drinking Fountain*** - At least one (1) sanitary type (guarded angle jet) drinking fountain in good working order shall be provided. The fountain shall be easily accessible and located inside the pool fence or room. Common drinking cups shall be prohibited.
- 26.314 ***Food and Beverage Facilities*** - Food and beverage service facilities that are inside the pool fence or room shall not be located within twenty (20) feet of the pool edge. If licensing is required, all such facilities shall be licensed by the Division or the appropriate authority.
- 26.315 ***Starting Blocks*** - If starting blocks for competitive swimming events are installed, the water depth under the blocks shall be greater than five (5) feet.

- 26.316 ***Escutcheon Plates*** - All anchor bolts shall be covered by escutcheon plates.
- 26.317 ***Access for Persons with Disabilities*** – Facilities designed to accommodate persons with disabilities will be approved within the limits of sound engineering practice and nationally recognized standards. Lifts shall be mounted into the pool deck and shall have a minimum deck width of four (4) feet behind the lift mount.
- 26.318 ***Swimming Pool Slides*** - The installation of swimming pool slides shall be prohibited.
- 26.319 ***Diving Area/Diving Pool and Diving Board*** - The dimensions of the diving area/diving pool and the diving board shall be in accordance with the following:

Minimum (*) and Maximum (**) Dimensions for Pools with Diving Boards

DIVING BOARD HEIGHT (HT.) ABOVE-WATER	HT.			LENGTHS			DEPTHS		
	H ₁	L ₁	L ₂	L ₃	L ₄	L ₅	D ₁	D ₂	D ₃
MAXIMUM 1/2 METER (20 INCHES)	*	*	*	**	*	*	*	*	*
	15'	8'	15'	10'	3'	16'	6'	10'	9'6"
>1/2 METER TO 1 METER (SEE L ₃)	*	*	*	**	*	*	*	*	*
	15'	8'	16'	12'	*4'	16'6"	6'	11'	10'6"
>1/2 METER TO 1 METER (SEE L ₃)	*	*	*	**	*	*	*	*	*
	16'	8'	16'	16'	5'	16'6"	6'	11'	10'6"
>1 METER TO 3 METERS	*	*	*	**	*	*	*	*	*
	16'	8'	16'	16'	5'	20'	6'	12'	11'6"

>greater than

Minimum (*) and Maximum (**) Dimensions for Pools with Diving Boards

DIVING BOARD HEIGHT (HT.) ABOVE-WATER	HT.	LENGTHS				DEPTHS		
	H ₁	L ₆	L ₇	L ₈	L ₉	D ₁	D ₂	D ₄
MAXIMUM 1/2 METER (20 INCHES)	* 15'	* 8'	* 7'	* 8'6"	* 7'	* 6'	* 10'	* 9'9"
>1/2 METER TO 1 METER (SEE L ₃)	* 15'	* 8'	* 7'	* 8'6"	* 7'	* 6'	* 11'	* 10'9"
>1/2 METER TO 1 METER (SEE L ₃)	* 16'	* 8'	* 7'	* 8'6"	* 7'	* 6'	* 11'	* 10'9"
>1 METER TO 3 METERS	* 16'	* 8'	* 8'	* 11'6"	* 7'	* 6'	* 12'	* 11'9"

>greater than

Pools with diving boards higher than three (3) meters, and/or pools with diving platforms shall be constructed in accordance with the standards of the FINA, NCAA and USD and these devices shall be labeled "COMPETITIVE DIVING ONLY."

Diving boards shall have guardrails on both sides which are at least thirty (30) inches high and extend from the back end of the board to at least one (1) foot past the pool edge. Diving boards that are greater than one (1) meter high shall have handrails on both sides of the ladder/steps and the spacing between them shall not exceed twelve (12) inches.

All diving boards shall be level and shall have slip resistant surfaces. All supports, steps, and railings shall be made of material that is of sufficient strength to handle the anticipated load. Trampoline type diving facilities and rope drops shall be prohibited. With the exception of competitive diving, any adjustable fulcrum diving board shall have the fulcrum locked in the maximum forward position.

In order for the replacement of any diving board stand, or the replacement of any diving board stand and diving board to be approved, the pool shall be in compliance with the requirements of this Section.

SECTION 26.4 RECIRCULATION SYSTEM

- 26.401 **General Requirements** - Each pool shall have its own recirculation system. The recirculation system shall consist of, but is not limited to: a pump, a flow measuring device, a removable strainer with spare basket (not required on vacuum filters), a filter with at least one (1) pressure gauge, an automatic disinfectant feeder, piping, deep end floor outlets/drains, a perimeter overflow gutter or surface skimmers, return inlets, valves and other necessary equipment. The recirculation system shall be designed to provide a minimum of four (4) turnovers of the pool volume per day [one (1) every six (6) hours] against the maximum head. In the pump/filter area, each suction and discharge line shall have a manual control valve capable of regulating flow or shutting off flow completely. If the required flow rate is provided collectively by multiple pumps, all of these pumps shall operate by a single control switch. The difference between the minimum required flow rate in gallons per minute (gpm) (based on the type of pool) and the maximum allowable flow rate in gpm (based on the type of filtration) shall be at least ten (10) gpm.
- 26.402 **Recirculation Pump** - All recirculation pumps shall be of adequate capacity to provide the required turnover rate, a sufficient backwash rate and sufficient suction for any vacuum fittings. If the pump or any suction side piping is located above the pool water level, the pump shall be self-priming. All recirculation pumps shall be equipped with the necessary piping, valves, etc. such that pool water can be pumped directly to waste. This line shall terminate above any drain entry point by a distance of at least twice its diameter. For the purpose of confirming or determining the flow rate, all recirculation pumps shall be equipped with pressure gauges on both the suction and pressure side the pump.
- 26.403 **Rate of Flow Indicator** - At least one (1) rate of flow indicator reading in gpm shall be installed after filtration on the pool return line. The indicator shall be easily accessible for viewing, in proper working condition when the pool is open, sized such that the design flow rate is in the mid range of the indicator, and capable of measuring at least fifty (50) percent more than the design flow rate. The clearance upstream and downstream from the indicator shall comply with the manufacturer's specifications. In lieu of the above, a pre-set flow control valve with a direct mounted meter kit and conversion chart may be used.
- 26.404 **Floor Outlets/Drains** - All pools shall be provided with at least two (2) floor outlets/drains at the deepest point which: are connected to the recirculation system through the same line; are at least six (6) feet apart on centers (for special designs, as far apart as possible or on different planes); are equipped with a flow control valve(s) near the recirculation pump; have an antivortex cover or a twelve inch by twelve inch (12" x 12") grate or larger; and can completely drain the pool. All drain outlet pipes shall be recessed within the fitting or in a pit and equipped with a cover, which can only be removed with a special tool. The width and length of slot openings in the cover shall not exceed one half (1/2) inch and one (1) inch respectively.
- 26.405 **Perimeter Overflow Gutters and Surface Skimmers** - All pools shall have either perimeter overflow gutters or surface skimmers (not recommended for pools with a water surface area greater than 2500 square feet) which: are capable of conducting one hundred (100) percent of the required flow rate; are connected to the recirculation system; have flow control valves near the recirculation pump; and effectively remove any floating material. If perimeter overflow gutters are used, they shall be continuous around the pool with a uniform level rim which is not more than twelve (12) inches below the deck and which will provide a suitable handhold. Gutters shall be designed so that the channel is easily accessible for cleaning and presents no entanglement hazard to bathers. If the gutters are recessed, the access opening shall be at least four (4) inches. Gutter drains shall be provided at uniform intervals and the gutter shall slope sufficiently to these drains. The design shall ensure that the recirculation pump receive a continuous supply of water at all times either by adequate surge capacity within the gutters or a surge/balancing tank. Any perimeter overflow gutter with a submerged protruding edge, shall have a solid marking line of contrasting color which is at least one (1) inch wide on the top surface edge of the gutter.

If surface skimmers are used, they shall be NSF listed and at least two (2) shall be provided. For pools that are greater than one thousand (1000) square feet of water surface, one (1) additional skimmer shall be provided for each additional (500) square feet of pool water surface or fraction thereof. Skimmers shall be optimally located around the pool perimeter and the recirculation system shall be designed such that the flow through each skimmer is at least twenty (20) gpm. All skimmers shall have individual flow controls devices, an equalizer line (except WP pools), an easily removable, cleanable basket or screen and a cover.

- 26.406 **Inlets** - All pools shall have at least four (4) inlets, either on the side walls or on the floor, which are connected to the recirculation system. Side wall inlets, with the exception of those built into a gutter, shall discharge at a depth of at least twelve (12) inches below the normal water level. The distance between side wall or bottom inlets, measured along the wall or floor surface, shall not exceed twenty (20) feet and the spacing between any floor inlet and the side wall, measure along the surface, shall not exceed ten (10) feet. When wall inlets are used, an inlet shall be provided within five (5) feet of each corner and one (1) in each recessed step area. The inlets, either by adjustability or by design, shall provide the necessary flow to maintain the required disinfectant residual and chemical quality evenly throughout the pool.
- 26.407 **Vacuuming** - All pools shall have the capability of vacuuming the bottom either through a skimmer, a separate vacuum fitting or a portable vacuum system. If a portable vacuum system must be used, it shall be stored on-site when the pool is open. Vacuuming through a portable vacuum system that is connected to the potable water supply shall be prohibited. In line and portable vacuum pumps shall be equipped with a removable strainer with a spare basket.
- 26.408 **Piping** - Recirculation system piping shall be made of non-toxic material. All plastic piping shall: be labeled with the manufacturer's name and the NSF logo for potable water; appear in the current NSF Listing "Plumbing and Related Products", or approved equivalent; and be used/installed in accordance with the manufacturer's specifications.
- 26.409 **Multiport Valves** - All multiport valves shall be NSF listed.
- 26.410 **Pool Water Heaters** - All gas heaters shall be design-certified by the American Gas Association (AGA) and shall display a rating data plate and the AGA seal. All electric heaters shall be Underwriters Laboratories (UL) approved and shall display the UL seal. All heaters shall have sufficient piping and valves to permit isolation and removal of the heater from the system.
- 26.411 **Equipment Access, Freezing Protection and Drainage** - Easy access shall be provided to all parts of the recirculation system that must be inspected or serviced. All piping and equipment that is subject to freezing shall be provided with an adequate means of draining. At least thirty (30) foot candles of illumination shall be provided around all equipment. In order to prevent standing water, all equipment rooms shall be adequately graded toward floor drains or areas where the water will have a free unobstructed flow to points of disposal.

SECTION 26.5 FILTRATION SYSTEM

- 26.501 **General Requirements** - Each pool shall have its own filtration system. All filters shall bear the manufacturer's name, the model #, the surface area and the filter shall be NSF listed. All filtration systems shall be sized such that the maximum allowable filtration rates are not exceeded and shall be operated such that the passage of unfiltered water will be prevented. The filter effluent water shall have turbidity of five tenths (.5) NTU or less. All filters shall be capable of being totally drained through a manual valve or by disconnecting a union, and all filtration surfaces shall be accessible for inspection, maintenance or replacement. Filters that require backwashing shall have a pressure gauge(s) for determining the time to backwash, and a site glass for observing the backwash water clarity. The backwash discharge line shall terminate above the drain entry point by a distance of at least twice its

diameter. All pressure filters shall be equipped with manual or automatic air release valves, or shall be self-purging. If a manual air release valve is present, specific instructions explaining its use shall be provided and shall be conspicuously posted on or near the filter. In multiple filter installations filter piping shall be valved such that each filter can be isolated for repairs, while other filters remain in service.

- 26.502 ***Rapid Sand Filters*** - All media shall meet all of the specifications of the filter manufacturer. In multiple filter installations filter piping shall be valved such that each filter can be individually backwashed. The filtration rate for rapid sand filters shall not exceed three (3) gpm per square foot of filter area, or the NSF listed flow rate, whichever is less.
- 26.503 ***High Rate Sand Filters*** - All media shall meet all of the specifications of the filter manufacturer. The filtration rate for high rate sand filters shall not exceed twenty (20) gpm per square foot of filter area, or the NSF listed flow rate, whichever is less.
- 26.504 ***Diatomaceous Earth Filters*** - If diatomaceous earth filters are equipped with a pressure type separation tank, there shall be no manual valves on the effluent line, and the following statement or equivalent shall be conspicuously posted on the top of the separation tank and at the pump control switch "Do not start the pump without opening the manual air release on the separation tank and checking to make sure that the top of the separation tank is securely attached." Also, any manufacturer's instructions for the proper use of this separation tank shall be displayed either on the top of the separation tank or on the wall nearby. The filtration rate for diatomaceous earth filters shall not exceed two (2) gpm per square foot of filter area, or the NSF listed flow rate, whichever is less. Diatomaceous earth filters that have an NSF listing for slurry feed shall not exceed a filtration rate of 2.5 gpm per square foot of filter area.
- 26.505 ***Cartridge Filters*** - All pools with cartridge filtration systems shall have at least one (1) spare cartridge for each cartridge in use, which is clean and ready for installation, along with at least one (1) vat, which is capable of submerging all of the cartridges from one filter vessel. Pools with modular media cartridge filtration shall have at least one (1) spare cartridge for each type of cartridge in use, which is clean and ready for installation. When cartridges become clogged to the extent that cleaning does not restore them, or they become damaged, they shall be discarded. The filtration rate for cartridge filters shall not exceed three hundred seventy-five one thousandths (.375) gpm per square foot of filter area, or the NSF listed flow rate, whichever is less.

**SECTION 26.6 POTABLE WATER SUPPLY, POOL WATER QUALITY/TESTING,
CHEMICALS AND WASTEWATER**

- 26.601 **Potable Water Supply** - All pools shall have a water supply which: is approved by the Division; is in compliance with the requirements of the "State of Delaware Regulations Governing Public Drinking Water Systems;" and is of adequate capacity to meet peak demands while maintaining at least twenty five (25) pounds per square inch (psi) and not more than one hundred (100) psi at all points in the system. All drinking fountains shall be in good working order. Cross connections between the potable water supply and the pool water shall be prohibited. Hose bibbs shall be located such that they do not constitute a tripping hazard and shall be equipped with vacuum breakers or other backflow prevention devices approved by the Division.
- 26.602 **Fillspout** - All pools shall have a permanent fillspout that shall be air gapped at least two (2) pipe diameters above the pool rim, or the rim of any vessel or pipe that connects to the pool. In order to minimize the possibility of creating a tripping hazard, all fillspouts that are on the deck shall be located immediately next to one of the pool ladders, or another approved location. The portion of the water line passing through a concrete deck shall either be non-plastic piping or shall be inside a metal sleeve. All pools that have a fillspout that is a potential tripping hazard shall take whatever steps are appropriate to eliminate the hazard.
- 26.603 **Clarity** - The water in all pools shall be sufficiently clear and the lighting shall be sufficient such that all areas of the pool, and either of the following are clearly visible from the deck: the main drain(s) and all bottom markings; or a black disk six (6) inches in diameter superimposed upon a white field and placed on the bottom at the deepest point. The turbidity of the pool water shall be five tenths (.5) NTU or less.
- 26.604 **Bacteriological Quality** - If samples are taken for the heterotrophic plate count test [standard plate count (SPC)], the result shall be less than (<) two hundred (200) colonies per milliliter. If samples are taken for the total coliform test, when the membrane filtration (MF) technique is used, the result shall be less than (<) one (1) colony per one hundred (100) milliliters of sample, when the multiple tube fermentation or most probable number (MPN) method is used, none of the conformed portions shall show the presence of the coliform group [result reported as less than (<) 2.2] and when the presence/absence test is used, the result shall be absent.
- 26.605 **Chemical Quality** -The chemical quality of pool water shall be in compliance with the requirements of the "State of Delaware Regulations Governing Public Drinking Water Systems." The pH shall not be less than 7.2 or greater than 7.8. Any chemical added directly or indirectly to a pool shall be approved by the Division, registered with the U.S. Environmental Protection Agency, used strictly in accordance with the manufacturer's directions and properly labeled in accordance with the Hazardous Chemical Information Act 16 Del. C. Chapter 24 (Right to Know).
- Any pool with a documented history of pH level violations shall have an automatic pH adjustment chemical feeder that: is NSF listed; is approved by the Division; has approved anti-siphon protection; and is wired such that it feeds only when the recirculation pump runs (shall be done on all pools which are in existence on the effective date of these Regulations when either the chemical feeder or recirculation pump are replaced). The manual addition of approved non-disinfectant chemicals shall be permitted only in special situations (e.g. trying to achieve water balance), which require that the pool shall remain closed for at least one (1) turnover and until such time as the chemical is thoroughly and evenly dispersed throughout the pool.
- 26.606 **Disinfection** - All pools shall be disinfected with an approved halogen that imparts an easily measured residual and is fed through an automatic feeder that: is NSF listed; is approved by the Division; has approved anti-siphon protection; is capable of providing a dosage of at least ten (10) ppm for outdoor pools and a dosage of five (5) ppm for indoor pools (shall be done on an existing pool when the

disinfectant feeder is replaced); and is wired such that it feeds only when the recirculation pump runs (shall be done on all pools which are in existence on the effective date of these Regulations when either the disinfectant feeder or recirculation pump are replaced). A flow-through (erosion) feeder shall feed only the disinfectant(s) specified by the manufacturer. All shall add the disinfectant downstream from the filter and heater. All pool disinfectants shall be registered with the U.S. Environmental Protection Agency and approved by the Division. Manual addition of an approved halogen disinfectant shall be permitted only in special situations (e.g. superchlorination), which require that the pool be closed. After this manual addition has been completed, the pool shall remain closed: for at least one (1) turnover and until such time as the chemical is thoroughly and evenly dispersed throughout the pool; and the automatic feeder is operating properly if it was not at the time of manual addition. Use of gas chlorine shall be prohibited. Use of stabilized chlorine (cyanuric acid) in indoor pools shall be prohibited. In order for any non-halogen to be approved as a stand-alone disinfectant, satisfactory performance shall be demonstrated during an NSF evaluation.

All pools shall be disinfected in accordance with the following:

	REQUIRED Minimum Level	RECOMMENDED Level	RECOMMENDED Maximum Level
Free Chlorine	0.5 ppm	1.0-3.0 ppm	5.0 ppm
Free Chlorine (Spa Pool)	1.0 ppm	2.0-5.0 ppm	10.0 ppm
Free Chlorine with Cyanuric Acid	1.5 ppm	1.5-3.0 ppm	5.0 ppm
Free Chlorine with Cyanuric Acid (Spa Pool)	2.0 ppm	2.0-5.0 ppm	10.0 ppm
Bromine	1.0 ppm	2.0-4.0 ppm	6.0 ppm
Bromine (Spa Pool)	2.0 ppm	3.0-6.0 ppm	10.0 ppm
Cyanuric Acid	None	30-50 ppm	*100 ppm
Combined Chlorine	None	0.0 ppm	0.2 ppm
ORP**	**650 mV	**700-750mV	

*required **(recommended)

26.607

Water Testing Equipment and Sampling Frequency - All pools shall have approved testing equipment for pH, disinfectant residual, alkalinity, and calcium hardness. For disinfectant residual, the DPD (Diethyl-p-Phenylene Diamine) method, or any other method in the current edition of Standard Methods for the Examination of Water and Wastewater, shall be used. If the disinfectant is chlorine, the test kit shall be capable of measuring both free and total chlorine residual. For pH, the phenol red colorimetric method, or any other method in the current edition of Standard Methods for the Examination of Water and Wastewater, shall be used and the test kit shall have a range of at least 6.8-8.2. In addition to these parameters, pools that use a stabilized halogen shall have approved cyanuric acid testing equipment.

All chemical test kit reagents shall be dated when received, and shall be replaced just prior to the start of each outdoor pool season, and at least yearly for indoor pools, with the exception of phenol red, which shall be replaced at least every six (6) months.

pH and disinfectant residual shall be measured daily, prior to the pool opening, and as often as necessary while the pool is open (recommended every one (1) to two (2) hours) in order to ensure the proper levels.

Alkalinity, calcium hardness and cyanuric acid (if applicable) shall be measured after each addition of make up water and at least weekly. All sample results shall be recorded along with the date, time and sample location (area of the pool). Records of sample results shall be kept at the pool for at least one (1) year, shall be available for viewing by any representative of the Division during a sanitary survey and shall be submitted to the Division upon request. If any other substance is added to the pool on a regular basis (e.g., copper/silver from a supplemental disinfection system), the Division may require testing to ensure that the concentrations do not exceed acceptable levels.

- 26.608 ***Pool Water Level and Recirculation System*** -When the pool is open, the water level shall be maintained at an elevation suitable for continuous flow into the surface skimmers or intermittent flow into the gutter as bathers enter. The recirculation system shall operate continuously (24 hours per day), with the exception of the automatic disinfectant feeder when the disinfectant level approaches or exceeds the upper recommended level. Within three (3) years of the effective date of these Regulations (June 10, 2003) each pool shall have its own recirculation, filtration and disinfection system. All pools shall have the capability of pumping water to waste either directly or via filter backwash. The Division may require a dye test to ensure that the recirculation system is providing even and complete recirculation throughout the pool.
- 26.609 ***Chemical Storage*** - All chemicals, including test kits, shall be stored in accordance with the storage recommendations on the manufacturer's label and the MSDS, and they shall be stored in areas that are not easily accessible to bathers or other unauthorized personnel. All pools shall keep adequate quantities of chemicals on hand such that shortages are not experienced. "NO SMOKING" signs shall be conspicuously posted in all chemical storage areas.
- 26.610 ***Wastewater Disposal*** - Cross connections between the pool recirculation system and any wastewater system, including the filter backwash drain, shall be prohibited. The backwash discharge line shall terminate above the drain entry point by a distance of at least twice its diameter.

SECTION 26.7 OPERATION, MAINTENANCE, GENERAL SANITATION, PERSONNEL, SUPERVISION AND SAFETY

- 26.701 ***Operation and Maintenance*** - All pools, their premises, and appurtenances, shall be operated and maintained at all times with regard to the safety of bathers and employees. All plumbing shall be properly installed and maintained. During an electrical storm, use of any pool (indoor or outdoor) shall be prohibited. Alcoholic beverages shall be prohibited in the pool and on the pool deck (area required by Section 26.308). Food and beverages shall be prohibited in the pool and within four (4) feet of the pool edge. Glass or other breakable containers, utensils, etc., shall be prohibited within the pool fence, pool room or bathhouse facilities. Pool walls and floors shall be refinished when safe sanitary conditions cannot be maintained. Any deck/walkway areas that are hazardous to patrons or their bare feet (e.g., tripping, abrasions, splinters, etc.) or do not properly drain, shall be repaired or replaced such that the hazard or drainage problem is eliminated. Any electrical hazard shall be eliminated. All pools that have a slope break, shall install a line of contrasting color one (1) to two (2) feet on the shallow side of the break directly under the safety line that is either: solid and at least two (2) inches wide or intermittent with sections that are at least four (4) inches by four (4) inches and not more than one (1) foot apart on centers. All pools that have steps or benches, shall install a solid marking line of contrasting color which is at least one (1) inch wide on the top surface edge of each pool step or bench. All pools that have any type of overflow gutter or a safety ledge with a submerged protruding edge, shall install a solid marking line of contrasting color which is at least one (1) inch wide on the top surface edge of the gutter.
- 26.702 ***General Sanitation and Sanitary Facilities*** - All pools and related facilities shall be maintained in a clean sanitary condition. The pool floor, walls, deck, walkways and bathhouse facilities shall be cleaned and disinfected with an approved disinfectant as often as necessary in order to maintain an environment which is free of sediment, dirt, algae, grass/weeds and foreign objects. All garbage shall be stored in containers, which are sufficient in number and properly covered so as not to attract vermin. Effective control measures shall be utilized to minimize or eliminate the presence of rodents, flies, roaches or other vermin. All pools shall have at least one (1) permanent or portable water closet for the lifeguard/attendant, which is accessible when the pool is open and is located such that the path of travel from the nearest pool entrance/exit does not exceed five hundred (500) feet. If a portable water closet is provided, it shall be properly vented, designed to exclude flies, equipped with a self-closing door, provided with toilet tissue, maintained in a clean sanitary condition and located contiguous to the pool deck or pool room.

- 26.703 **Animals** - With the exception of guide animals for persons with disabilities, animals shall be prohibited within the pool fence, pool room or bathhouse facilities.
- 26.704 **Bathing Suits** – It is recommended that all bathers wear bathing suits. A bathing suit is a garment designed for that purpose which covers the buttocks (male and female) and breasts (female). If anyone who is not toilet trained is going to use a pool, the operator shall take whatever steps are necessary to ensure that fecal material does not enter the water (e.g. requiring the use of a swimsuit diaper). Should fecal material enter any pool, the pool shall be closed immediately and the operator shall follow Division procedures for reopening.
- 26.705 **Bather Health** – Any person with evidence of an open sore, a bandaged wound or diarrhea shall be prohibited from entering the pool water. Any person suspected of being under the influence of alcohol or drugs shall be prohibited from entering the pool water.
- 26.706 **Lifeguard** - Unless exempted by 16 Delaware Code, each pool that is greater than four (4) feet deep (any portion) shall have a lifeguard on duty when the pool is open. If a lifeguard who is working alone must leave poolside, for whatever reason, he/she shall take whatever steps are necessary to ensure that no one remains in or enters the water in his/her absence. Copies of training/certification documentation for all lifeguards currently employed by the pool's management shall be present at the pool when it is open. No person shall serve as a lifeguard unless he or she meets all of the following training requirements and can produce the appropriate documentation upon request of the Division:
- a. Current certification in National YMCA Lifeguarding, or American Red Cross Basic Lifeguarding, Ellis & Associates National Pool & Waterpark Lifeguard Training, Aquatic Resource Service Associates Aquatic Rescue Training or approved equivalent.
 - b. Current certification in American Red Cross, American Heart Association or National Safety Council (NSC) Cardiopulmonary Resuscitation (CPR), or approved equivalent, that includes training in: one (1) person adult CPR, child CPR and infant CPR.
 - c. Current certification in American Red Cross First Aid, or approved equivalent, that includes training in: obstructed airway, artificial breathing, control of bleeding and treatment of shock.
- 26.707 **Attendant** – If none of the pools at a facility require a lifeguard based on depth, each pool, with the exception of those exempted by 16 Delaware Code, shall have an attendant on duty when the pool is open. If an attendant who is working alone must leave poolside, for whatever reason, he/she shall take whatever steps are necessary to ensure that no one remains in or enters the water in his/her absence. In facilities with a spa pool(s) (SpP) only, if the attendant is not in direct view of the pool, he/she shall be located such that the poolside alarm required by Section 26.719 can be easily heard. Copies of training/certification documentation for all attendants currently employed by the pool's management shall be present at the pool when it is open. No person shall serve as an attendant unless he or she meets all of the following training requirements and can produce the appropriate documentation upon request of the Division:
- a. Current certification in American Red Cross, American Heart Association or NSC Cardiopulmonary Resuscitation (CPR), or approved equivalent that includes training in: one person adult CPR, child CPR and infant CPR.
 - b. Current certification in American Red Cross ~~[Standard]~~ First Aid, or approved equivalent, that includes training in: obstructed airway, artificial breathing, control of bleeding, and treatment of shock.
 - c. Within three (3) years of the effective date of these Regulations (June 10, 2003) current certification in American Red Cross Basic Water Rescue, or approved equivalent.
- 26.708 **Lifeguard Warning Sign** - Any exempted pool that does not have a lifeguard or attendant on duty shall conspicuously post the following sign at the pool entrance(s) and at least one (1) other location inside the

pool room/fence: "WARNING NO LIFEGUARD ON DUTY" in letters at least four (4) inches high along with "CHILDREN UNDER THE AGE OF SIXTEEN (16) SHOULD BE ACCOMPANIED BY A PARENT OR GUARDIAN" in letters at least one (1) inch high. (NOTE - A guardian is an adult designated by a parent who is responsible for the children and their behavior).

- 26.709 ***Lifeguard Stand*** - All pools with a water surface area greater than two thousand (2000) square feet shall have at least one (1) lifeguard stand. The lifeguard stand shall be at poolside, however, no part of the stand shall extend past the edge of the pool.
- 26.710 ***Unsupervised Solo Bathing*** - Unsupervised solo bathing shall be prohibited at all pools with the exception of those exempted by 16 Delaware Code.
- 26.711 ***Injury, Resuscitation or Death*** - The Division shall be notified within twenty-four (24) hours of any incident at a pool which: requires referral to a hospital, doctor or other facility for medical attention; requires resuscitation; or results in death. The notification shall be followed up by a written report within thirty (30) days that contains all pertinent details of the incident.
- 26.712 ***Pool Security*** - All entrances to indoor pools shall be equipped with locks and each entrance shall be locked when the pool is closed. All outdoor pools shall be enclosed by a fence, which provides a barrier that is at least four (4) feet high everywhere [six (6) feet recommended], measured from ground level outside the fence. All pool fences shall be equipped with a locking gate, which shall be locked when the pool is closed.
- 26.713 ***Depth Markings*** - With the exception of wading pools and spa pools, the water depth of all pools, in feet to the nearest one half (1/2) foot, shall be plainly marked at or above the water surface on the vertical pool wall, and on the coping or deck within eighteen (18) inches of the pool edge. For pools with open gutters, the depth marking required on the vertical pool wall may be located on the wall of the room for indoor pools, and on the fence for outdoor pools. These pairs of depth markings shall be located at the points of minimum depth, maximum depth, intermediate depths at no more than two (2) foot depth increments, breaks in slope and on each end of the pool. All depth markings shall be at least four (4) inches high, of a contrasting color and spaced no more than twenty-five (25) feet apart on the pool perimeters. Markings on the pool walls shall be positioned to be read from the water. Markings on the deck shall be positioned to be read while standing on the deck and facing the pool and shall be slip resistant.
- 26.714 ***Safety Line*** - Whenever non-swimmers are in the water, all pools that have a slope break shall have a safety line located at least one (1) foot and not more than two (2) feet on the shallow side of the slope break, directly above the line on the bottom required by Section 26.701. The safety line shall have clearly visible colored floats spaced not more than five (5) feet apart. The safety line shall be of sufficient size and strength to provide a handhold that will support any bather who is in need of help and the connections to the pool wall shall be recessed.
- 26.715 ***Safety Equipment*** - All pools shall have the following safety equipment which shall be easily accessible:
- a. A telephone, within or immediately adjacent to the pool fence or room, with appropriate emergency numbers posted nearby. Pay telephones are acceptable if they do not require coins in an emergency. In lieu of a telephone, a manually activated emergency alarm system that alerts someone else to dial the telephone is acceptable. All of the above must be able to send and receive calls.
 - b. Two blankets.
 - c. A first aid kit with the current edition of the American Red Cross first aid book or equivalent.

In addition to the above, all SwP pools without a lifeguard on duty (those exempted by 16 Delaware Code) shall also be equipped with the following safety equipment that shall be easily accessible:

- d. One (1) or more lightweight poles at least twelve (12) and not more than fifteen (15) feet long, and equipped with a shepherd's hook.
- e. One ring buoy at least eighteen (18) to twenty-four (24) inches in diameter attached to at least fifty (50) feet of rope.

In addition to the above, all SwP pools with a lifeguard on duty shall also be equipped with the following safety equipment that shall be easily accessible:

- f. One rigid backboard (long board) with at least three (3) attached ties/straps, which is compatible for transport in the Delaware State Police MED-E-VAC helicopter, meets the design requirements of Emergency Medical Services, and is approved by the Division. Six (6) attached ties/straps are recommended. If a pool, because of size, will not accommodate a long board being placed under a bather, a reduced backboard (short board) with at least one (1) tie/strap may be substituted. Current specification requirements for backboards are available upon request from the Division. (NOTE - This is not required for exempted pools that operate without a lifeguard).
- g. In place of the ring buoy, at least one (1) rescue tube for each lifeguard on duty.

26.716 **Diving** - With the exception of official competition or when there is qualified instruction, diving shall be prohibited into water that is five (5) feet deep or less. At SwP and WSF splash pools, all areas where the water is five (5) feet deep or less shall be clearly labeled "No Diving" on the coping (edge of the deck). The "No Diving" markings shall be: of a contrasting color; easily readable; slip resistant and at least four (4) inches high consisting of the words "No Diving," the words "No Diving" in combination with the picture (international) sign (diver inside a red circle with a red line across), or other approved markings. The number of markings shall be at least equal to the number of depth markings within the "No Diving" area.

26.717 **Shallow End Starting Blocks** - Shallow end starting blocks (water depth that is five (5) feet or less) shall be removed when there is no official competition, instruction or practice. Shallow end starting blocks that are not removable shall be labeled "starting blocks shall be used only during official competition or when there is qualified instruction."

26.718 **Wading Pool Supervision** – It is recommended that all children using a wading pool be supervised by a responsible person who is at least sixteen (16) years of age.

26.719 **Attendant Alarm** - Any SpP pool, with the exception of those at facilities exempted by 16 Delaware Code, which is located such that it is not in direct view of the attendant shall have, in the immediate vicinity of the pool, a clearly labeled alarm device that can be activated when a bather is in trouble and is easily heard throughout the area or building. This alarm shall product a distinctly different sound than that of the high temperature alarm.

26.720 **Spa Pool Warning Sign** - A clearly visible sign shall be mounted at the entrance of each SpP pool facility or adjacent to each SpP pool and shall include, but is not limited to, the following:

- a. All bathers should take a shower prior to entering.
- b. Enter and exit slowly and cautiously.
- c. Unsupervised solo bathing is prohibited.
- d. Use by anyone under sixteen (16) years of age is prohibited unless there is documented written permission from his or her physician.
- e. Elderly persons and anyone with heart disease, diabetes, high or low blood pressure, or anyone under a physician's care should not enter without consulting with their physician.

- f. Pregnant women should not enter unless the temperature is less than 102°F.
 - g. Hot water immersion while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers may be hazardous to your health and is prohibited.
 - h. Observe a fifteen (15) minute time limit, then shower, cool down and return if your wish. Longer exposures to this water may result in nausea, dizziness or fainting.
 - i. Do not submerge to the bottom of the pool, hair may become entangled in bottom outlet. Long hair should be tied in a knot or a bun in order to keep it out of the water.
 - j. No body lotions or oils are permitted.
- 26.721 ***Spa Pool Timer Switch*** - All SpP pools shall have a clearly labeled reversible aeration/jetting system timer switch with a fifteen (15) minute time limit located in the pool area but such that it cannot be reset from within the pool.
- 26.722 ***Spa Pool Temperature/High Temperature Prevention System*** - The water temperature in SpP pools shall not exceed 104°F. All spa pools shall have a thermometer that is measuring the current water temperature. If the thermometer is in the pool, it shall be non-glass and tethered. All SpP pools shall be equipped with an approved system that will ensure that the water does not exceed 104°F (e.g. a high temperature alarm, an automatic heater shut off device, etc.). The alarm shall produce a distinctly different sound than that of the attendant alarm. If there is a documented history of high temperature violations, the high temperature prevention system shall be replaced/upgraded. The Division may test the high temperature prevention system to ensure proper operation.
- 26.723 ***Spa Pool Clock*** - A clock that is easily readable from the SpP pool shall be provided.
- 26.724 ***Water Slide Flume - Head of the Flume Personnel*** - At least one person who meets the training requirements of Section 26.707a shall be stationed at the head of the flume to supervise and control the start of each slider, the spacing of sliders and the monitoring of the downward progress of each slider.
- 26.725 ***Water Slide Flume - Splash Pool Attendant*** - At least one attendant shall be stationed near the end of the flume/run-out slide to supervise and control the sliders as they arrive. Additional attendants shall be required at the discretion of the Division.
- 26.726 ***Ventilation*** - All bathhouse rooms, equipment rooms, chemical storage rooms and indoor pool rooms shall be provided with adequate natural or mechanical ventilation such that satisfactory indoor air quality is maintained.
- 26.727 ***Cartridge Filtration*** - All pools with cartridge filtration systems shall have at least one (1) spare cartridge for each cartridge in use, which is clean and ready for installation, along with at least one (1) vat which is capable of submerging all of the cartridges from one filter vessel. Pools with modular media cartridge filtration shall have at least one (1) spare cartridge for each type of cartridge in use, which is clean and ready for installation. When cartridges become clogged to the extent that cleaning does not restore them or they become damaged, they shall be discarded.

SECTION 26.8 WADING POOLS

- 26.801 **General Requirements** - Except as otherwise noted previously and in this Section, WP pools shall comply with all other requirements of these Regulations.
- 26.802 **Location** - WP pools which are installed in conjunction with a SwP pool shall be located adjacent to the shallowest area of the SwP pool and shall be at least ten (10) feet away.
- 26.803 **Floor/Slope** - The slope of a WP pool floor shall not exceed six (6) inches in ten (10) feet (6"/10') and the floor shall be slip resistant.
- 26.804 **Fencing** - All WP pools that are indoors or within the confines of another pool fence shall be surrounded by a fence, which is at least three (3) feet high and is equipped with a gate.
- 26.805 **Recirculation System** - The WP pool recirculation system shall be capable of providing a minimum of twenty-four (24) turnovers of the pool volume per day [one (1) every hour] against the maximum lead.
- 26.806 **Perimeter Overflow Gutters and Surface Skimmers** - All WP pools shall be equipped with either a perimeter overflow gutter or at least one skimmer which is connected to the recirculation system and effectively remove any floating material. For WP pools that are greater than five hundred (500) square feet of water surface, one (1) additional skimmer shall be provided for each additional (500) square feet of pool water surface or fraction thereof.
- 26.807 **Inlets** - All WP pools shall have at least two (2) inlets and in WP pools where only one (1) skimmer is required, the inlets shall be located such that they direct water toward the skimmer.

SECTION 26.9 SPA POOLS

- 26.901 **General Requirements** - Except as otherwise noted previously and in this Section, SpP pools shall comply with all other requirements of these Regulations.
- 26.902 **Location** - A SpP pool shall be at least eight (8) feet away from any other pool.
- 26.903 **Decks and Walkways** - A deck at least four (4) feet wide shall be provided around at least fifty (50) percent of the perimeter of a SpP pool. If the SpP pool is free standing and not higher than thirty six (36) inches, the deck may be at floor level.
- 26.904 **Steps and Benches** - SpP pools that are greater than twenty-four (24) inches deep shall have at least one (1) step with at least one (1) handrail and all steps shall be located at a point where the deck is at least four (4) feet wide. The step tread shall be at least ten (10) inches deep and at least twelve (12) inches wide, and the step riser shall be at least seven (7) inches and not be more than twelve (12) inches high. When the bottom tread also serves as the bench, the height above the pool floor shall not exceed fourteen (14) inches. The first and last risers need not be uniform. Intermediate risers, however, shall be uniform in height. Benches that are installed in SpP pools shall be permanent and the depth of water over the bench shall not exceed twenty-four (24) inches. The top surface edge of all benches and steps shall be outlined in contrasting color by a marking line at least one (1) inch wide.
- 26.905 **Recirculation System** - The SpP pool recirculation system shall be completely separate from the air/water jet system and shall be capable of providing a minimum of ninety-six (96) turnovers of the pool volume per day [one (1) every fifteen (15) minutes] against the maximum head.
- 26.906 **Perimeter Overflow Gutters and Surface Skimmers** - All SpP pools shall be equipped with either a perimeter overflow gutter or at least one skimmer which is connected to the recirculation system and effectively removes any floating material.

- 26.907 **Inlets** - All SpP pools shall have at least two (2) inlets that are connected to the recirculation system and in SpP pools where only one (1) skimmer is required, the inlets shall be located such that they direct water toward the skimmer.
- 26.908 **Air Jetting System** - All air jetting (blower) systems shall have a raised loop or some other approved method to prevent water backup that could cause electrical shock hazards.

SECTION 26.10 WATER SLIDE FLUMES

- 26.1001 **General Requirements** - Except as otherwise noted previously and in this Section, WSFs shall comply with all other requirements of these Regulations.
- 26.1002 **Splash Pool Design and Depth** - In order to facilitate prompt, safe exiting by bathers, all splash pools shall have either a set of steps along the entire length of the exit side (side opposite the flume terminus), or a floor that slopes upward to meet the water surface. The steps or upward sloping floor shall have one (1) handrail per flume or one (1) handrail every seven (7) feet, whichever is greater. Ladders shall be prohibited. The depth of the splash pool at the flume end shall be at least three (3) feet and not more than four (4) feet, and this depth shall be maintained for at least twenty (20) feet in front of the flume end. The floor slope shall not exceed one (1) foot in seven (7) feet and all slopes shall be constant.
- 26.1003 **Flume End** - Flumes shall terminate either at a depth of at least six (6) inches below the splash pool operating water level, or not more than two (2) inches above the splash pool operating water level, provided the flume is level for at least the last ten (10) feet. The distance between the side of any flume end and the side of the splash pool shall be at least five (5) feet. The distance between the sides of adjacent flumes shall be at least six (6) feet and adjacent flumes utilizing the same splash pool shall be parallel at the ends.
- 26.1004 **Decks and Walkways** - A deck at least ten (10) feet in width shall be provided along the entire exit side of the splash pool. All walks and steps from the exit side to the top of the flume shall be: at least four (4) feet wide; constructed of concrete or other slip resistant material approved by the Division; smooth, easily cleanable and properly maintained; and separated from any flume by a physical barrier such that people on the walks or steps cannot reach the flumes.
- 26.1005 **Recirculation System** - The WSF recirculation system shall be capable of providing a minimum of twenty-four (24) turnovers of the splash pool and pump reservoir volume per day [one (1) every hour] against the maximum head.
- 26.1006 **Pump Reservoirs** - Pump reservoirs shall be separate from the splash pool, shall be made of concrete or other impervious material with a smooth slip-resistant finish, and shall be connected to the splash pool by a weir. The minimum pump reservoir volume shall be equal to five (5) minutes of the combined flow rate in gpm of all water slide flume pumps. Pump reservoirs shall be accessible only to authorized individuals. Access decks shall be provided. The pump intake(s) shall be located in the pump reservoir and shall be designed to allow cleaning without danger of operator entrapment. The pump intake(s) shall be located in the pump reservoir and shall be designed to allow cleaning without danger of operator entrapment. The pump reservoir shall have a minimum of one (1) main drain with separate piping and valve to the filtration system. Pumps shall have check valves on all discharge lines.
- 26.1007 **Perimeter Overflow Gutters and Surface Skimmers** - All splash pools and pump reservoirs shall have either perimeter overflow gutters or surface skimmers, which effectively remove any floating material and are connected to the recirculation system. Where perimeter overflow gutters are used, they are not required along the weirs or under the flume end. Where surface skimmers are used, one (1) shall be in the splash pool and one (1) shall be in the pump reservoir. Where an odd number of surface skimmers are required they shall be positioned appropriately based on the size of the splash pool and pump reservoir.

- 26.1008 **Disinfection** - WSF pools may be permitted to manually add a halogen disinfectant, in addition to the automatic feeder, if it can be done somewhere other than the flume or splash pool.

SECTION 26.11 SPECIAL PURPOSE POOLS

- 26.1101 **General Requirements** - Child care facility pools and other pools that do not fit into the categories SwP, WP, SpP, or WSF, of Section 26.123 because of the design, size, usage, or other factors, shall be classified as SpPP by the Division, provided that the design is within the limits of sound engineering practice. The Division shall require compliance with any Sections of these Regulations which are deemed necessary, to assure the health and safety of SpPP pool bathers.

SECTION 26.12 ADMINISTRATIVE ACTION

- 26.1201 **Operating Without a Permit** - If a pool is found operating without a valid permit, the Division shall order immediate closure. This closure shall be effective upon receipt of a written notice by the person in charge of the pool. The pool shall remain closed until submission, review and approval of plans, followed by a sanitary survey confirming compliance with these Regulations and issuance of an operating permit. A conspicuous, colored placard shall be prominently displayed at all entrances of the pool, which has failed to obtain a valid permit.

- 26.1202 **Suspension of a Permit** - If conditions exist at a pool that represent an imminent health hazard, the Division may suspend the operating permit and order immediate closure, without a hearing upon written notice. The suspension shall be effective upon receipt of written notice by the person in charge and a suspension statement on the sanitary survey report constitutes a written notice. The person in charge shall yield the permit to the Division. A suspension notice shall be issued for any of the following conditions:*

- a. The clarity of the water is not in compliance with the provisions of Section 26.603.
- b. The bacteriological quality of the pool water is not in compliance with the provisions of Section 26.604.
- c. The pH of the pool water is less than 7.2 or greater than 7.8.
- d. The automatic disinfection system is not functioning properly, or, there is no automatic disinfection system or disinfectant present.
- e. The free chlorine residual is less than the level specified in Section 26.606.
- f. The bromine residual is less than the level specified in Section 26.606.
- g. The cyanuric acid level is greater than one hundred (100) ppm.
- h. The recirculation pump is not operating or not present.
- i. The filter is not operating or not present.
- j. There is no qualified lifeguard or attendant on duty (unless exempted by 16 Delaware Code).
- k. The water temperature exceeds 104°F in a spa pool.
- l. There is a bare electrical wire or other obvious electrical hazard present.

- m. The lighting is not in compliance with the provisions of Section 26.309 and because of this, the following are not clearly visible without glare from the deck: the main drain(s) and all bottom markings; or a black disk six (6) inches in diameter superimposed upon a white field and placed on the bottom at the deepest point.
- n. A bottom drain cover/grate is missing, broken, or not properly secured.
- o. An authorized representative of the Division is denied immediate access to the pool pursuant to Section 26.206.
- p. Fecal material is discharged into the pool water. (NOTE-Contact the Division for the current procedure for handling fecal contamination).
- q. The facility fails to provide an approved pool operator pursuant to Section 26.205.
- r. There is any other condition, or combination of conditions that may endanger the health, safety, or welfare of the bathers.

*If the person in charge, the pool operator or the lifeguard/attendant determines that any of the above conditions exist, they shall immediately close the pool. The Division shall be notified of the closure and the pool shall remain closed until the condition is satisfactorily corrected.

The person in charge of the pool may request in writing, to the Division at any time during the suspension, a sanitary survey for the purpose of showing that the imminent health hazard no longer exists. The person in charge of the pool may also request, in writing, to the Division at any time during the suspension, an administrative hearing to challenge the findings of the sanitary survey that resulted in the pool closure. When the Division determines that the imminent health hazard no longer exists, the suspension shall be terminated and the permit returned. If the Division determines that the imminent health hazard has not been corrected and that the hazard still exists, the suspension remains in force pending a hearing and the Division may recommend that the permit be revoked.

- 26.1203 **Hearing** - If the person in charge of the pool requests a hearing pursuant to 26.1202, the Division shall schedule an administrative hearing within ten (10) days of the request. The purpose of the hearing is to determine if the suspension should be lifted.
- 26.1204 **Serious Violations, Repeat Violations and General Unsanitary Conditions** – If serious violations, repeat violations, or general unsanitary conditions exist, the Division may issue and properly serve due notice, by certified mail or by hand delivery, of the intention of the Division to suspend or revoke the permit of a pool. The Division shall, not suspend or revoke a permit of a pool for serious or repeated violations that do not present an imminent health hazard, without having first issued and properly served such notice of intent to suspend or revoke. Within thirty (30) days of the date of such notice of intent to suspend or revoke, the permit holder may submit to the Division a written request for an administrative hearing. The suspension or revocation shall commence upon expiration of the notice of intent, unless within thirty (30) days of the date of such notice, the Division receives from the permit holder a written request for an administrative hearing. If the permit holder makes a timely request for an administrative hearing, the suspension or revocation shall be stayed pending the results of the hearing. A conspicuous, colored placard shall be prominently displayed at all entrances of a pool whose permit stands suspended or revoked.
- 26.1205 **Pool Permit Holder Right to an Administrative Hearing** – Upon due notice that the Division intends to suspend or revoke the permit of a pool as indicated in 26.1204, or for other reasons to protect public health, the permit holder may submit to the Division, within thirty (30) days of the date of such notice of intent, a written request for an administrative hearing. When an administrative hearing is scheduled, the permit holder of the pool shall be informed at least five (5) days prior to the hearing of the place, time and date of the hearing and the specific charges against the pool. Notification of the hearing shall be by

certified mail or by hand delivery. Failure of the permit holder to be present for an administrative hearing shall result in automatic suspension of the permit and recommendation for revocation.

- 26.1206 ***Records of Administrative Hearings*** - A written report of the hearing decision shall be furnished by the Division to the permit holder of the pool.

SECTION 26.13 ENFORCEMENT AND INTERPRETATION

No provisions of Sections 26.3, 26.4, 26.5, 26.8, 26.9, 26.10 of these Regulations shall be applied retroactively, or interpreted to require reconstruction, alteration or replacement of a pool, or any part of a pool, which has been approved by the Division and which has been installed or is under construction. If, however, a pool or any part of a pool is reconstructed, altered or replaced, or if a private pool is converted to a public pool after the effective date of these Regulations, this conversion, reconstruction, alteration or replacement shall meet all of the provisions of these Regulations.

SECTION 26.14 PENALTY

Any person who neglects or fails to comply with the requirements of these Regulations shall be subject to the provisions of 16 Delaware Code Section 107, and shall be fined not less than \$100 and not more than \$1000, together with the costs, unless otherwise provided by law.

SECTION 26.15 REPEAL, DATE OF EFFECT AND AMENDMENTS

All regulations or parts of Regulations in conflict with these Regulations are hereby repealed, and these Regulations shall be in full force and effect on the date of adoption by the Secretary, DHSS. The Secretary, DHSS, may propose changes to the Regulations herein established and shall hold at least one public hearing on the proposed changes. At least thirty (30) days in advance of the public hearing, notice of proposed changes shall be published in at least two newspapers of general circulation in the State. Notice shall include a brief synopsis of the changes to be made, information on when and where the proposed changes may be reviewed by the public, the procedure for submitting comments, and the time, date and location of the public hearing. A hearing officer shall be appointed by the Secretary, DHSS, and a record shall be kept of the hearing.

SECTION 26.16 SEPARABILITY

If any provision of these Regulations should be declared invalid for any reason, the decision shall not affect the remaining provisions, which shall remain in full force and effect, and to this end, the provisions of the Regulations are hereby declared separable.